REMARKS

The above amendment and these remarks are in response to the Office action of 20 June 2003 by Examiner, Dr. Geoffrey R. Akers.

Claims 12-19 are in the case, none having been allowed.

35 U.S.C. 101

Claim 15 has been rejected under 35 U.S.C. 101 for failing to provide a concrete and tangible result.

Applicants have amended claim 15.

The claim provides the concrete and tangible result of providing in a memory device a series of program steps executable by a computer for, among other things, automatically communicating a duplicate invoice rejection transaction back to a vendor for a duplicate invoice without posting the original electronic invoice to an accounts payable data base; and storing original electronic invoices not

identified as duplicate invoices into the accounts payable data base.

The communicating of the rejection transaction and the storing of only non-duplicate invoices in the accounts payable data base are, applicants argue, concrete and tangible results.

Applicants request that the rejection under 35 U.S.C. 101 be reconsidered and withdrawn, and claim 15 allowed.

35 U.S.C. 103

Claims 12-13, and 15 have been rejected under 35 U.S.C. 103(a) over Klein (U.S. 5,845,285) in view of Geer (U.S. 5,930,778).

Applicants traverse.

Neither Klein nor Geer, taken singularly or in the combination proposed by the Examiner, teach or suggest the invention as claimed .

Klein teaches a system and method for determining the accuracy of a database. He states:

> "The most precise way to determine the accuracy of a database is to review each and every field within each and every record in the database. However, in virtually every real-life situation the cost and time to review an entire database is prohibitive. Instead, a conventional technique is to request a professional trained in information audits to determine the accuracy of a database." (Klein, Col. 1, lines 48-55.)

He then goes on to discuss other methods of the prior art and his own invention (utilizing neural networks) for identifying duplicate invoices, all of which are based on an examination of the accuracy of the overall database.

With respect to claim 12, the Examiner appears to appreciate that distinction, for he observes "However, Klein does not specifically teach preprocessing of invoices." (Office Action, page 3, lines 6-7). Further, "Klein does not explicitly teach introduction to and rejection from a accounts payable data base." (Office Action, page 3, lines 12-13).

Applicants agree. Nor does Klein teach such by implication, nor does Applicant claim rejection <u>from</u> an accounts payable database, for such assumes that the

invoices being checked are in the data base when they are checked -- and in applicants' invention duplicate invoices never make it into the accounts payable database.

Applicants would add that Klein can only be considered as applicable to systems which examine the database, as distinguished from examining invoices for duplicates before they can be introduced into the data base. Klein clearly teaches a method of finding duplicates after data is entered into a database, and thus teaches away from applicants solution to the problem of duplicate invoice processing.

The Examiner is correct in noting that "Klein does not explicitly teach grabbing an inbound EDI invoice file from a vendor before it is input to a accounts payable database and creating a transaction to a vendor." (Office Action, page 4, lines 4-6). The Examiner then takes official notice that "it is old and well known in the art of electronic communication and commerce to use EDI for invoicing." Applicants agree.

However, the Examiner also asserts "However, official notice is taken that it is old and well known in the art of data entry to grab data before input into a database for the

purpose of examination for error." (Office Action, page 4,
lines 6-8. Based on this assertion, the Examiner then
concludes:

> "It would have been obvious to one of ordinary skill in
> the art at the time of applicants' invention to grab an
> inbound EDI invoice data before inputting it into a
> database because this would allow detection of
> duplicate as soon as possible." (Office Action, page
> 4, lines 9-12).

Applicants traverse this conclusion. Because it is
based in part on personal knowledge ("official notice"),
Applicants request under 37 C.F.R. Section 1.107(b) an
affidavit of the Examiner that provides citation in support
of the above assertion at page 4, lines 6-8.

The Examiner states that, "Klein does not explicitly
teach creating transaction back to the vendor." (Office
action, page 4, line 12). Applicants agree. Nor does Klein
teach such by implication. The Examiner states:

> "However, Klein suggests this feature by disclosing a
> warning report system (column 26, particularly lines
> 38-43)." (Office Action, page 4, lines 12-13).

Applicants argue that the Klein reference does not teach
creating a <u>rejection</u> message back to the vendor
<u>automatically</u>. Referring to Klein Figure 24B and the

description of it at column 26, the electronic mail feed

back is to data supplier (verification) on the output of

approval system 158, and the warning system report 160

output is for review of suspect data 162 and re-input of

corrected data 164. Neither of these is related to invoice

processing prior to loading the invoice to an accounts

payable database, and both of them are related to the

evaluation and processing of data already in that database.

Applicants assert that nothing in Klein "suggests this

feature" of creating transaction back to the vendor which

rejects a duplicate invoice before it is committed to the

accounts payable database.

The Examiner continues:

"It would have been obvious to one of ordinary skill in
the art at the time of applicants' invention to create
a transaction back to the vendor because this would
allow the vendor to be informed of the mistake and take
corrective action." (Office Action, page 4, lines 14-
16.)

Applicants traverse this conclusion. Applicants are

the first to recognize that duplicate invoices can be

detected and rejected back to the vendor before being logged

to the accounts payable database based upon a specific zero

sum algorithm for identifying those duplicates. Previously,

any feed back to the vendor to "allow the vendor to be informed of the mistake and take corrective action" was done by analysis of the data logged to the A/P database. In this instance, the Examiner is engaging in improper hindsight reasoning, using applicants own teachings in derogation of the claim.

The Examiner continues:

> "Klein does not explicitly teach determining duplicate invoice having same vendor invoice designation, same purchase order number, and same item number. However, Klein at least suggests this feature by disclosing determining duplicate invoice by comparing invoice number. Furthermore, official notice is taken that determining duplicate invoice having a same vendor invoice designation, same purchase order number, and same item number is old and well known in the art of invoice comparison. It would have been obvious to one or (sic) ordinary skill in the art at the time of applicant's invention to determine duplicate invoices by comparing same vendor invoice designation, same purchase order number and same item number because this would allow accurate identification of duplicate invoices." (Office Action, page 4, line 16 to page 5, line 4.)

Again, applicants traverse. Any suggestion derived from Klein in this regard leads away from applicants invention. The Examiner seems to recognize (at page 5, lines 1-4) that analysis of invoices based on just purchase order number is not sufficient. To analyze incoming invoices before logging to the A/P database on invoice

number alone leads to a patently wrong conclusion.
Applicants teach, and Klein does not teach, a specific zero
sum calculation for determining duplicate invoices prior to
logging the invoice to the A/P database -- in accordance
with an algorithm which performs the calculations on vendor
invoice number, purchase order number, and item number set
forth in the claims.

The above conclusion of the Examiner (Office Action,
page 5, lines 1-4) is based upon official notice.
Applicants request under 37 C.F.R. Section 1.107(b) an
affidavit of the Examiner that provides citation in support
of the assertion at page 4 line 19 to page 5, line 1 of the
Office Action.

With respect to claim 13, the Examiner asserts at page
5, lines 5-6:

"Klein discloses auditing step comprising sorting
invoices against invoice number (column 6, particularly
lines 8-10).

This is what Klein teaches:

"An example of the conventional method of finding
'duplicate data' is the way MIS departments typically
deal with 'duplicate' invoices. Invoices that are from

the same company typically follow a certain pattern, such as 'ABC100', 'ABC101', etc. To find duplicate invoices a special program is created to search for invoices that match on the first several letters. This will produce a listing of all invoices that start with the same set of letters and vary on the remaining letters. A human then reviews the listing and determines which invoices are in fact 'duplicates'. The primary goal of this method is to find actual duplicates, i.e., <u>invoices with the identical invoice number</u>." (Klein, col. 5, line 66 to col. 6, line 10).

"This method of finding 'duplicate data' is basically useful in finding exact duplicates. However, it has been discovered that 'duplicate data' can be found in a system in a variety of forms that are not identical. FIGS. 17a-17e illustrate... various ways the same data can be entered into a system and still be considered duplicate data, i.e., data which has been entered two or more times identically or in varied form. FIG. 17a illustrates an example of original data. In addition to exact duplicates, the same data can be entered two or more times with any combination of the following types of variations: Misspelled Letters... Additional Letters... Missing Letters... Transposed Letters." (Klein, col. 6, lines 11-31.)

It is clear from this that Klein is not teaching identifying duplicate invoices based on the zero sum algorithm of applicants. Rather, Klein teaches that the prior art method identifies duplicates as those with identical invoice number, and goes on to teach that his invention will identify duplicates where there has been input variations of misspelled, additional, missing, and transposed letters. This teaching, based as it is solely on invoice number, is so far from the specific zero sum algorithm of applicants' claim that reliance on it by the

Examiner goes contrary to well established principles:

1. It is insufficient to establish obviousness that the separate elements of the invention existed in the prior art, absent some teaching or suggestion, in the prior art, to combine the elements.

2. That a claimed invention may employ known principles does not itself establish that the invention would have been obvious, particularly where, as in the present case, those principles are employed to deal with different problems. The Examiner must consider the claim as a whole, and not piece together the claimed invention using the claims as a guide.

3. The Federal Circuit has stated: "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. [See In re Fritch, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992)].

The Examiner states:

"Further Klein also discuss threshold value, term to describe the function of the 'net sum greater than

zero' of applicants' invention. It would have been
obvious to one of ordinary skill in the art at the time
of applicants' invention to use invoice for same
vendor, purchase order billed, and items billed as
entries that are used in neural network comparing and
sorting method of Klein because those entry values are
essential for determining duplicate data." [Office
Action, page 5, lines 17-20.]

Applicants traverse this assertion. Klein, for

example, does not teach that same vendor, purchase order

billed, and items billed can be used to derive a net zero

sum. Rather, Klein teaches that the prior art method

identifies duplicates as those with identical invoice

number, and goes on to teach that his invention will

identify duplicates where there has been input variations of

misspelled, additional, missing, and transposed letters.

Apparently, the Examiner is relying on personal

knowledge in asserting that same vendor, purchase order

billed, and items billed are "entry values ... essential for

determining duplicate data" [Office Action, page 5, lines

19-20], for Klein specifically teaches (as is quoted above,

Klein Col. 6) other algorithms for determining duplicate

invoices. Therefore, according to the specific teachings of

Klein, there are other ways to determine duplicates. If

there are other ways, then the Examiner must be relying on

personal knowledge (or hindsight reconstruction of Klein in

view of Applicants' disclosure) in asserting otherwise.

Consequently, applicants request the affidavit of the

Examiner identifying specific art which supports the

statement at lines 18-20 of the Office Action: "same vendor,

purchase order billed, and items billed ... entry values are

essential for determining duplicate data."

The Examiner states:

"...obvious... to use zero as the threshold value
disclosed in Klein because this would allow maximum
detection of duplicates." [Office Action, page 5, line
20 to page 6, line 2.]

The only correspondence between zero sum as used in

applicants' claims and "zero as the threshold value" in the

Examiner's assertion is the use of the word "zero". Even if

zero is used as the threshold value in Klein, it still does

not teach the zero sum algorithm of applicants' claims.

Klein teaches that his threshold value is set to identify

fraudulent or duplicative data [Col. 27, line 36] present in

a database being audited [Col. 27, line 5], and such data is

described as "exact duplicates [or] the same data... entered

two or more times with any combination of the following

types of variations: Misspelled Letters... Additional

Letters... Missing Letters... Transposed Letters...".

[Klein, col. 6, lines 11-31.] The Klein process for calculating accuracies and process error threshold is set forth at columns 21-30, all based on neural pattern matching techniques. There is no suggestion in Klein of the zero sum algorithm of applicants' claims.

The Examiner states:

"Klein also discloses a method for operating a computing system responsive to receipt of an electronic input (abstract)." [Office Action, page 6, lines 2-3.]

What Klein teaches in the abstract is a data pattern build system which retrieves data from a database and generates pattern data from it. (Abstract, lines 7ff.) there is no teaching of operating a computing system responsive to receipt of an electronic invoice. The input in Klein is a request to conduct an audit on an already existing database, not the receipt of an invoice. What applicants claim is:

"...preprocessing before introduction into an accounts payable data base original electronic invoices received from a vendor... [Claim 12, from which claim 13 depends.]

Applicants are not merely claiming "operating a computing system responsive to receipt of an electronic input", as the

Examiner seems to be suggesting.

The Examiner continues:

"Klein discloses automatically identifying previously received invoices having the same vendor invoice identifier (column 6, particularly lines 8-10, column 16, lines 1-5). [Office Action, page 6, lines 3-5.]

This is what Klein teaches:

"To find duplicate invoices a special program is created to search for invoices that match on the first several letters. This will produce a listing of all invoices that start with the same set of letters and vary on the remaining letters. A human then reviews the listing and determines which invoices are in fact 'duplicates'. The primary goal of this method is to find actual duplicates, i.e., invoices with the identical invoice numbers." [Klein, Col. 6, lines 3-10.]

"In fact, all audits appear as simple audits to the latter user 116, as his or her role is limited to reviewing each sample field selected by the database auditor 100 and noting the number of errors in the field on an audit summary screen 1200. (This screen is shown if FIG. 12 and is described below in the section entitled 'Review of Sample Fields'.) The rest of the audit is managed automatically by the database auditor 100." [Klein, Col. 15 line 65 to Col. 16, line 5.]

How the second reference (Klein, Col. 16) relates to this issue is not apparent. With respect to the first (Klein, Col. 6), Klein teaches that duplicates are identified (in the prior art system Klein is here describing) by finding

duplicate invoice numbers. This does not teach determining

duplicate invoices by the process outlined in applicants

claims 12 and 13 -- which does not identify duplicates based

on identity of invoice numbers but rather on the specific

series of sorts and calculations set forth in the claims.

The Examiner continues:

"Klein does not explicitly teach automatically grabbing
an invoice from a vendor before it is input to a
accounts payable database and creating a transaction to
a vendor. However, official notice is taken that it is
old and well known in the art of data entry to grab
data before input into a database for the purpose of
examination for error. It would have been obvious to
one of ordinary skill in the art at the time of
applicants' invention to automatically grab an invoice
data before inputting it into a database because this
would allow detection of duplicate as soon as
possible." [Office Action, page 6, lines 5-11.]

Applicants traverse this conclusion. Because it is

based in.part on personal knowledge ("official notice"),

Applicants request under 37 C.F.R. Section 1.107(b) an

affidavit of the Examiner that provides citation in support

of the above assertion at page 6, lines 7-9. Further, the

motivation for the conclusion (allow detection of duplicate

as soon as possible) does not go to the reason for

applicants process: which is to reject back duplicate

invoices before they are introduced to the accounts payable

database. One of ordinary skill in the art at the time of

applicants' invention could only conclude that Klein

specifically teaches away from such, for Klein only

considers examination of data which is obtained from or

sampled from such a database.

The Examiner continues:

"Further, Klein does not explicitly teach automatically
identifying invoices having corresponding items, and
calculating the net sum of items on input invoice
having corresponding items. However, Klein does
discuss using neural network (column 27, particularly
lines 54-65) that executes multiple comparing and
sorting hits (column 28, particularly lines 28-41),and
identifying data as duplicate if it does not pass a
threshold number of hits (column 28, particularly lines
44-45). It would have been obvious to one of ordinary
skill in the art at the time of applicants' invention
to use item as a comparison factor in Klein's system
because type of item is essential in determining
duplicates." [Office Action, page 6, lines 11-18.]

Applicants traverse. The Examiner is not correct in

asserting that "type of item is essential in determining

duplicates". Klein itself teaches that his concept of

duplicates is determined based on invoice number. Only

applicants teach that 'type of item' is used in the specific

zero sum calculation set forth in connection with a specific

collection of sorts in claims 12-13. Certainly, assuming

that Klein teaches 'multiple comparing and sorting hits',

and even the concept of a 'threshold number of hits', does not and should not be interpreted as teaching, the specific sorts and zero sum calculation set forth in the claim. Applicants are not claiming 'number of hits', but rather zero sum based on specific 'hits' resulting from specific sorts.

The Examiner continues:

"Further, [i]t would have been obvious to one of ordinary skill in the art at the time of applicants' invention to calculat[e] the net sum of items to determine if the data is duplicate since this would utilize Klein's threshold value." [Office Action, page 6, line 18 to page 7, line 1.]

Applicants traverse. There is no correspondence between Klein's threshold value and applicants' net sum. As previously noted, even setting Klein's threshold value to zero does not identify an incoming invoice as a duplicate. Rather, Klein teaches that his threshold value is set to identify fraudulent or duplicative data [Col. 27, line 36] present in a database being audited [Col. 27, line 5], and such data is described as "exact duplicates [or] the same data... entered two or more times with any combination of the following types of variations: Misspelled Letters... Additional Letters... Missing Letters... Transposed

Letters...". [Klein, col. 6, lines 11-31.] No calculation

of net sum is suggested by this teaching. The Klein process

for calculating accuracies and process error threshold is

set forth at columns 21-30, all based on neural pattern

matching techniques. There is no suggestion in Klein of the

zero sum algorithm of applicants' claims.

The Examiner continues:

> "Klein does not explicitly teach automatically
> communicating a duplicate invoice message back to the
> vendor without posting the input invoice to the
> accounts payable database. However, Klein suggests
> this feature by disclosing a warning report system
> (column 26, particularly lines 38-43). It would have
> been obvious to one of ordinary skill in the art at the
> time of applicants' invention to communicate a
> duplicate invoice rejection message back to the vendor
> because this would allow the vendor to be informed of
> the mistake and take corrective action." [Office
> Action, page 7, lines 1-7.]

Applicants traverse. Klein specifically teaches that

his processing is against the database, and that the notice

of a possible duplicate record is via the warning report

system 160 for manual or automatic review of suspect data

and re-input of corrected data, and that the notice of

approval via approval system 158 to data supplier (e.g.,

electronic mail). The Examiner's assertion to the contrary,

that Klein suggests this feature of communicating a

duplicate invoice message back to the vendor without posting

the input invoice is using applicants' disclosure against

their own claims. That should not be permitted.

The Examiner continues:

"Further, it would have been obvious to one of ordinary
skill in the art at the time of applicant's invention
to refrain from posting the input invoice to the
accounts payable database because this would prevent
posting of duplicate entry Klein discloses posting to
the system data determined not to be duplicate (column
26, particularly lines 32-36). [Office Action, page 7,
lines 7-10.]

The Examiner is again using applicants' own disclosure

against their claims. The Examiner cites no art describing

or suggesting the feature of preventing the posting of

duplicate invoices to the accounts payable database based on

applicants' claimed zero sum analysis of incoming invoices.

With respect to claim 15, the Examiner performs a

reconstruction of applicants' claim and characterizes the

teachings of Klein, as follows. Applicants annotate each

statement after the preamble by setting forth the actual

claim language, highlighted to show the claim limitations

not taught by Klein.

Per Examiner: "As per claim 15, Klein discloses a program storage device readable by a machine, tangibly embodying a program of instructions executable by a machine to perform method steps for processing electronic input (abstract), said method step comprising:

Per Examiner, regarding claim 15: "automatically processing electronic invoices received from a vendor to identify duplicate invoices (abstract, column 5, particularly lines 55-65, column 6, particularly lines 1-5, column 16, lines 1-5);"

Applicants' claim 15 states [highlighted portions are not taught by Kline]:

"...preprocessing before introduction into an accounts payable data base original electronic invoices received from a vendor to identify duplicate invoices, including:

Klein is sampling invoice data already entered to a database, and not original electronic invoices received from a vendor. Throughout the specification, Klein speaks of

auditing an existing database, and not preprocessing invoice

data before logging it to that database.

> "identifying invoices having same vendor
>
> invoice designation, same purchase order
>
> number, and same item number;
>
> "calculating a net sum of items on invoices
>
> identified as having said same vendor invoice
>
> designation, said same purchase order number,
>
> and said same item number;
>
> "identifying as a duplicate invoice an
>
> original electronic invoice for which said
>
> net sum is greater than zero;..."

Per examiner, regarding claim 15: "introducing data

(invoices) not identified as duplicates into a system

(column 26, particularly lines 32-36); and

automatically rejecting data (invoices) identified as

duplicates without introducing the data into the system

(column 26, particularly lines 38-43, column 27, lines

26-29)." [Office Action, page 7, lines 11-18.]

Applicants' claim 15 states:

"...<u>automatically communicating a duplicate</u>

<u>invoice rejection transaction back to said vendor</u>

<u>for said original electronic invoice identified as</u>

<u>a duplicate invoice without posting said original</u>

<u>electronic invoice to said accounts payable data</u>

<u>base</u>; and storing said <u>original electronic</u>

invoices not identified as duplicate invoices <u>into</u>

<u>said accounts payable data base</u>."

The Examiner states with respect to the preprocessing

feature of applicants' claims:

"Klein dos not explicitly teach preprocessing of
invoices before introduction into an accounts payable
data base. However, Geer discloses preprocessing of
invoices before introduction into an accounts payable
data base (abstract, column 6, particularly lines 43-
45). It would have been obvious... to use method of
duplicate invoice identification of Klein in
preprocessing of invoices of Geer because this would
allow duplicate data to be sorted out as soon as
possible." [Office Action, page 7, line 18 to page 8,
line 4.]

The teachings of Geer referenced by the Examiner are as

follows:

"A system and process are described for effecting the

expedited submission into the payment system for collection of funds represented by financial instruments that are received by a payee at an item capture facility remote from the payee's depository bank in which the submission of the instruments into the payment system is coordinated with the payee's internal accounting process and the register of the deposit of the instruments with an account at the instruments payee's bank." [Geer, Abstract.]

"...physical paper checks are not transported from the payee's location. Appropriate information from the checks is extracted and converted into electronic form for sorting, processing and transmission into and through the payment system. The physical checks are disposed of, typically following imaging and archival storage by electronic, optical, microfilm or other means at the payee's location (or other location remote from the depository bank)." [Geer, col. 6, lines 40-49.]

Applicants traverse the Examiner's characterization of Geer. The preprocessing that Geer discloses occurs at the remote station, where the paper check is converted to electronic form "for sorting, processing and transmission into and through the payment system." There is no teaching or suggestion of pre-processing to identify duplicate invoices before they are transmitted into the payment system.

The Examiner continues:

"Klein does not explicitly teach introduction to and rejection from a accounts payable data base. However, Klein does suggest this feature by disclosing correction of the system (column 26, particularly lines

40-44) and filtering database (column 27, particularly
lines 22-25). Further, accounts payable data base is
deemed to be inherent in Klein's description of
invoicing system (column 5, particularly lines 46-65).
It would have been obvious... to introduce and reject
data from an accounts payable database because this
would allow filtering and sorting out to be implemented
as soon as data is available." [Office Action, page 8,
lines 4-11.]

Applicants are not claiming "rejection from a accounts

payable data base", as distinguished from preventing posting

to the data base. They are claiming:

"automatically communicating a duplicate invoice

rejection transaction back to said vendor... without

posting said original electronic invoice to said

accounts payable data base..." [Claim 15.]

With respect to filtering, Klein teaches:

"The analysis of the results are then presented in step
228, and the user is prompted to determine whether the
user would also like to manually filter database upon
predetermined criteria in response to the results
relating to the accuracy of the database." [Kline,
col. 27, lines 20-24.]

This reference from Kline about correcting a database

and filtering database does not teach, cannot be construed

to teach, that an original invoice is checked to determine

if it is a duplicate invoice before it is loaded to the

accounts payable database. Rather, whatever filtering is
done, is base on results relating to the accuracy of the
database itself, and not applied against data before it is
loaded to that database.

> "Klein does not explicitly teach determining duplicate
> invoice having same vendor invoice designation, same
> purchase order number, same item number, and havin[g]
> sum greater than zero. However, Klein at least
> suggests this feature by disclosing determining
> duplicate invoice by comparing invoice number."
> [Office Action, page 8, lines 11-14.]

Applicants travers. The Examiner seems to recognize
(at page 5, lines 1-4) that analysis of invoices based on
just purchase order number is not sufficient. To analyze
incoming invoices before logging to the A/P database on
invoice number alone leads to a patently wrong conclusion.
Applicants teach and claim, and Klein does not teach, a
specific zero sum calculation for determining duplicate
invoices prior to logging the invoice to the A/P database --
in accordance with an algorithm which performs the
calculations not just on invoice number, as suggested by
Kline, but on vendor invoice number, purchase order number,
and item number.

The Examiner continues:

"Furthermore, official notice is taken that determining duplicate invoice having a same vendor invoice designation, same purchase order number, same item number, and having sum greater than zero is old and well known in the art of invoice comparison. It would have been obvious... to determine duplicate invoices by comparing same vendor invoice designation, same purchase order number, same item number, and having sum greater than zero because this would allow accurate identification of duplicate invoices. [Office Action, page 8, lines 14-20.]

Applicants traverse. The Examiner is using applicants' own disclosure against their claim and drawing on official notice for which no specific reference has been supplied. Because it is based in part on personal knowledge ("official notice"), applicants request under 37 C.F.R. Section 1.107(b) an affidavit of the Examiner that provides citation in support of the above assertion at page 8, lines 14-20. This will allow applicants to analyze the specific teachings upon which the Examiner relies, and enable them to prepare and submit explanatory affidavits in rebuttal.

Claim 14 has been rejected under 35 U.S.C. 103(a) over Geer (U.S. Patent No. 5,930,778) and further in view of Rail (U.S. Patent No. 5,680,611).

With respect to Geer, the Examiner states:

"As per claim 14, Geer teaches a computing system

responsive to receipt of an electronic input invoice
from vendors, comprising..."   [Office Action, page 9
lines 3-4.]

Applicants traverse.   Geer is not a system for

processing electronic invoices from vendors.   Rather, Geer

teaches how to expedite the processing of checks received by

a business with an accompanying payment form, to reduce the

time from receipt of the check to the time the funds are

available to the business to use (Col. 1, lines 18-24).

The Examiner continues:

"an accounts payable database (col 7 lines 4-25) (Fig
1/4/5),..." [Office Action, page 9, lines 4-5.]

Applicants traverse this characterization of Geer.

This is what Geer teaches at the location cited by the

Examiner:

"In the present invention, the check payee 2 typically
receives these check payments and associated statements
through a functional component of the receiving
organization known as remittance processing in retail
organizations, or deposit processing when received by a
bank.   Item capture 4 in Fig. 1 represents these
functions.   Item capture 4 will typically occur at a
location convenient to the payee's accounting functions
5.   Check receiving and item capture functions may be
located at strategic bill collection points within a
payee's service region.   Most typically, the check
receiving and item capture function of the payee will
compare a payment stub with the enclosed check and send

the check on for further processing. The payment stub
commonly received along with the check is processed
further by the payee and the funds represented by the
check are reconciled with the check drawer/payor's
account. The stub may be stored in archival storage as
paper, microfilm, etc., or otherwise used to account
properly for the customer's payment. Payment stub
processing and internal accounting procedures for the
reporting and allocation of payments, are an adjunct of
the funds collection system of the invention herein."
[Geer, col. 7, lines 4-25.]

There is no teaching here of invoice processing. Geer only

discusses processing of check payments -- remittances or

deposits.

The Examiner continues:

"sort logic for sorting invoices into credit/debit
sequence in the order received (col 9 lines 26-28) (col
9 lines 37-44) (Fig 1/14/12/16), ..." [Office Action,
page 9, lines 5-6.]

Claim 14 does not recite sort logic for sorting invoices

into credit/debit sequence in the order received. Be that

as it may be, Geer teaches:

"The electronic check information as sorted, grouped
and annotated 14 by the depository bank is sent via an
appropriate communication link 15 into the payment
system 12." [Geer, col. 9, lines 26-28.]

"The payment system 12 receives checks from depository
bank 10 and other banks of first and subsequent deposit
(not depicted on Fig. 1) intended for various payor

banks, B1, B2, B3...Bn, collectively denoted as 16 in
Fig. 1. The check information from the payment system
12 reaches the appropriate payor banks 16 for proper
debiting of the accounts of check writers 1 thus
completing the payment cycle." [Geer, col. 9, lines
37-45.]

There is no suggestion here of sorting invoices into

credit/debit sequence in the order received. Check

information may be sorted by any number of criteria, most

likely by depositor account number -- and most likely not by

debit/credit sequence in the order received. Even so,

applicants' claim 14 does not recite the aspect of sorting

into credit/debit sequence in the order received.

With respect to Rail, the Examiner states:

"Rail teaches net sum logic for evaluating debit
invoices in sequential order with respect to previously
received debit and credit invoices to identify a
duplicate debit invoice item (Fig
3/220/212/214/202/204/208) Fig
2/104/106/108/114/116/110/112) (col 2 line 50-col 3
line 5),..." [Office Action, page 9 lines 7-10.]

"...a duplicate debit invoice item being an invoice
item having a net sum greater than zero determined with
respect to previously received invoices in the same
vendor invoice designation, same purchase order number,
and same item and posting logic being further operable
for posting to said accounts payable database only
those debit invoices for which said invoice itms [sic]
have a net sum less than or equal to zero (col 4 lines
46-63) (col 5 lines 39-49) (col 5 lines 8-22)." [Office
Action, page 9, lines 10-15.]

Rail does not teach to one of ordinary skill in the art
the rejection of invoices to vendors. Rail clearly teaches
a method to review call records to prevent a record from
appearing twice on a bill being sent to a customer. Its
teachings clearly indicate that after matching the call
records, if a duplicate is found, that the duplicate goes to
an audit file, and is not rejected back to a vendor.

Rail does not teach to one of ordinary skill in the art
the use of net sum logic for evaluating invoices. Rail
deals with the creation of bills to be sent for payment, not
for invoices received for payment. Rail teaches a method
that creates a "checksum" (specific characteristics of an
invoice to be sent) and compares the checksum to checksum of
previously created invoices to ensure a duplicate bill is
not mailed. There is no teaching of how to prevent invoices
to be paid from entering the database using a net zero
logic. A 'checksum' is not a net zero calculation as that
is set forth in applicants' claim.

The Examiner concludes:

"It would have been obvious... to combine Geer in view
Rail to teach the above. The motivation for this is to
describe a computing system that can correctly bill and
remit debits and credits to clients and vendors."

[Office Action, page 9, lines 15-18.]

Applicants are not claiming a system for "correctly billing and remitting debits and credits to clients and vendors." They are claiming a computing system including a preprocessor for identifying duplicate invoices before entering them into an accounts payable data base, and an invoice processor for communicating a duplicate invoice rejection back to the vendor. Neither Rail nor Geer teach such, either separately or in the combination suggested by the Examiner.

Applicants urge that claim 14 be allowed over Geer in view of Rail.

SUMMARY AND CONCLUSION

Applicants urge that the above amendments be entered and the case passed to issue with claims 12-19.

If, in the opinion of the Examiner, a telephone conversation with applicant(s) attorney could possibly facilitate prosecution of the case, he may be reached at the number noted below.

Sincerely,

M. W. Beach, et al.

By

Shelley M Beckstrand
Reg. No. 24,886

Date: 22 Sep 2003

Shelley M Beckstrand, P.C.
Attorney at Law
314 Main Street
Owego, NY 13827

Phone: (607) 687-9913
Fax: (607) 687-7848